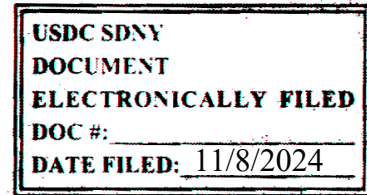


**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK**



-----X
DARRYL JOHNSON,

Petitioner,

22-CV-10754 (JLR)(SN)

-against-

ORDER

M. CAPRA,

Respondent.
-----X

SARAH NETBURN, United States Magistrate Judge:

On September 21, 2023, the Court stayed this action to allow Petitioner to exhaust certain claims in state court. ECF No. 30. On October 31, 2024, Justice Manuel J. Mendez of the Appellate Division, First Department denied Petitioner's application for leave to appeal. ECF No. 33. Petitioner has now exhausted these claims. The parties are ORDERED to file a joint letter by Friday, November 22, 2024, informing the Court whether they believe additional briefing is needed to address the ineffective assistance of counsel claim that formed the basis for Petitioner's CPL § 440.10 motion. If the parties determine that Petitioner must amend his habeas petition to address fully the merits of the claim or that additional briefing is requested, the parties shall propose a reasonable schedule in their joint letter.

The Clerk of Court is requested to lift the stay.

SO ORDERED.

SARAH NETBURN
United States Magistrate Judge

DATED: November 8, 2024
New York, New York